

Appl No. 10/644,254
Amdt. dated March 18, 2005
Reply to Office action of Feb. 24, 2005

REMARKS/ARGUMENTS

With regard to the second requirement for election and restriction dated 2/25/2005 responsive to applicant's first election dated 12/9/2004 which again is the only point raised in the office action, applicant hereby provisionally elects species defined by handrails of figure 12 and mounting assembly of figure 9 consisting of claims 1-15, but traverses the requirement insofar as species with the mounting assembly identified by the Examiner as figure 1 is concerned. It is believed that mounting assembly species of figure 1, consisting of claims 1-15 is obviously so closely related that it should remain in the same application to preserve the unity of the invention and to avoid any possibility of a charge of double patenting arising at some later date the non-elect mounting assembly. The elected mounting assembly species of figure 1, claims 1-15, is readable on the alternate movable slide mounting bracket assembly 51 as set forth in the specification referring to figures 9, 10 and 11. This alternate form, as now elected, was disclosed having an alternate mounting bracket assembly 50 which consist essentially of no more than a pair of pivot fittings 61 and 62 and allows the assembly to be adjustably slid along the existing ratchet mounting rail 58 which extends from the underside of the trailer.

It is respectfully believed that the Examiner is trying to draw too fine a line of distinction and that when all the various facts are taken into account, species

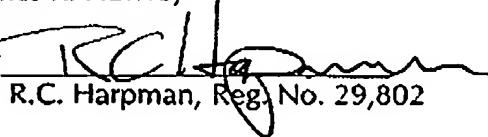
mounting assembly, figures 1 and 9, can remain in the application. In any event, mounting assembly of figure 9 and handrail of figure 12 has been elected and hence the claims 1-15 are entitled to action on their merits.

This applicant has fully and completely responded to the office action and has made the required election; this application is now in order for early examination at least on the merits of mounting assembly, figure 9 and handrail of figure 12, claims 1-15.

Respectfully submitted,

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By


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